

Federal Communications Commission

Case # 10-192

The legal issues pending in my EEOC Charge No. 438-2008-01993 against Cavalier Telephone are quite serious. In a similar case, *George Alberigi v. Sonoma County* Mr. Alberigi was awarded \$5,000,000 in punitive damages.

In this adjudication the jury was not called upon to consider that Sonoma County took protracted actions against Mr. Alberigi that functioned as an expression of a desire to have his life end before he could address Sonoma County's wrongdoing. This is what Cavalier has done to me. Average life expectancy of a COPD patient is 2-5 years. In the doctor's note I provided Cavalier in February 2008 my doctor revealed to Cavalier that I suffered from Severe or Stage 3 COPD. I was first diagnosed as End Stage COPD early this year, though I have no idea how long I have been at this stage. Anyone's quick google search would provide them information that I shouldn't be here any longer.

I can't imagine that Cavalier Telephone and PAETEC, both technology companies, have difficulty negotiating the operating procedures required by Google to provide them this information. An exception may be needed for Cavalier Telephone who after 18 months finally provided the answer to a question I posed to them 8 times regarding the WH-380 FMLA form, before I was fired without notice, according to a Cavalier Telephone filing to the Virginia Employment Commission made by Lori Short.

The very fact that I write this FCC filing from my office in October 2010 is a pretty dramatic demonstration that I fall outside "average life expectancy". As delighted as I am about this, I'm confident all involved in this business transaction at Cavalier Telephone and PAETEC are not.

Additionally, ERISA Code calls for a civil penalty of up to \$110/day for each event in which an insurance administrator refuses to provide documentation regarding denial of benefits, plus additional penalties, if it is seen fit. In my case Cavalier's Third Party Administrator's refusal to comply with this single aspect of federal law may result in a penalty that exceeds \$2,000,000.

Moreover, under investigation is Mr Jeff Snyder's (Co-Founder and Executive Vice President of HR for Cavalier) deliberate stonewalling of EBSA in case number 200822-0441. In his response to an EBSA inquiry in 2009 Mr Snyder "wallpapered" the EBSA inquiry with nonsense, even though I had advised Mr Snyder on June 6, 2008 at 3:04:01 P.M.,

"Surely Cavalier's outside counsel knows something about Cavalier's obligations. 26 CFR Part 54 from the Internal Revenue Service is pretty straightforward."

Validation of this can readily be obtained from Mr Steve Perkins, former General Counsel of Cavalier; Jay McGhee, Cavalier's Benefits Supervisor, and Christina Moses, a member of Cavalier's HR department. All were cc'ed this email to Jeff Snyder on June 6, 2008. (enclosed)

I'm quite confident that Mr Snyder, along with Ms Francis McComb, Cavalier's General Counsel and Danny Bottoms, Cavalier's CEO are cognizant of this, given that I emailed all of them a copy of it on September 10, 2010. (enclosed)

Moreover, on September 16, 2010, three days after Cavalier and PAETEC announced this sale I wrote Mr. Bottoms, Mr. Snyder and Ms. McComb a 17 page email that includes in the body text copies of emails previously sent Cavalier dating back to before I was fired. (enclosed)

Prior to this filing I have notified Mr. Mutschelknaus, lead counsel for PAETEC, the following:

"Please advise your client, PAETEC, that Cavalier Telephone is a whole lot more devious than they have presented themselves to be."

"In putting your client's name on this filing you have done little more than confirmed that both Cavalier and PAETEC will be left with no financial responsibility should your joint filing bear weight with the FCC."

"Your law firm could have chosen more wisely for PAETEC, but I'm certain Jeff Snyder and Francis McComb at Cavalier were quite convincing."

From trade publications I have learned that Cavalier will be paid \$460 million cash for the transfer of interests to PAETEC and that PAETEC will benefit from this transaction by acquiring these assets at a price "well below market".

By all reasonable appearances Cavalier Telephone and PAETEC are rushing the Federal Trade Commission regulatory approval of this sale, and now attempting to have my filing dismissed in order to avoid civil responsibility for the multiple violations of ADA / ERISA law that has cost me suffering in ways both physical and psychological that no one in our country should ever be subjected to.

Last week I was advised jointly by two FCC attorneys that I needed to submit a filing asking for a waiver of the October 14, 2010 comment deadline after October 14, and that this would afford the EEOC and the US Department of Justice the opportunity to respond on my behalf.

Please let this filing serve as my asking for this waiver.

Respectfully requested,

Cliff Hancuff
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cc: Thomas M. Colclough, Director Raleigh, NC Field Office, EEOC
Rosalind Hall-Smith, CR/TIU Supervisor, Richmond Field Office, EEOC
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